

**SURFACE TRANSPORTATION STB**  
**SECTION OF ENVIRONMENTAL ANALYSIS**

**POST POST ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN  
STB DOCKET NO. AB-391 (Sub-No. 10X)

**August 8, 2007**

**ABANDONMENT TYPE**

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption    ☐ ( ) Petition for Exemption    ☐ ( ) Regulated Abandonment

☐ ( ) **NO NEW COMMENTS WERE RECEIVED**

☒ (X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION:      Remove Section 106 Condition in AB-391 (Sub-No. 10X)  
                                 – Red River Valley & Western Railroad Company -  
                                 Abandonment Exemption - in Foster and Wells Counties,  
                                 North Dakota

In this proceeding, Red River Valley & Western Railroad Company (RRVW) filed a notice of exemption with the Surface Transportation Board (STB) seeking approval authority to abandon an approximately 27.76-mile railroad line in Foster and Wells Counties, North Dakota. By decision served on December 1, 2004 (2004 Decision), the STB imposed six environmental conditions.

**Comments on the EA**

**Historic Condition**

One condition in the 2004 Decision required RRVW to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800, and following consultation with the State Historical Society of North Dakota (State Historic Preservation Office or SHPO) and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). In a letter dated June 26, 2007,

the SHPO submitted comments stating that it would concur with our determination. However, in the event that any fill material is required for the project, the SHPO indicates that it should be derived from an approved source that has been surveyed by an archaeologist and found to contain no significant cultural resources.

**Accordingly, we recommend that the Section 106 condition imposed by the STB in this proceeding be removed.**

SEA CONTACT: Christa Dean 245-0299

E1-3046

WEINER BRODSKY SIDMAN KIDER PC

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Office of Proceedings

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Public Record

July 16, 2007

**BY HAND**

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Re: STB Docket No. AB-391 (Sub-No. 10X), Red River Valley & Western Railroad Company -- Abandonment Exemption -- In Foster and Wells Counties, ND

Dear Secretary Williams:

By a filing dated October 14, 2004, Red River Valley & Western Railroad Company ("RRVW") requested authority from the Surface Transportation Board (the "Board") to abandon an approximately 27.76-mile rail line from milepost 1.4<sup>1</sup> in or near Carrington, North Dakota to the end of the line at approximately milepost 29.16 in or near Bowdon, North Dakota (the "Rail Line"). By a decision served December 1, 2004 (the "Abandonment Decision"), the Board imposed certain conditions on its grant of abandonment authority. This letter advises the Board that RRVW is hereby consummating the abandonment of the Rail Line.

Pursuant to the conditions in the Abandonment Decision, RRVW has consulted with the requisite agencies, and no further consultation is required at this time. The abandonment of the Rail Line also was conditioned on completion of the section 106 process of the NHPA.<sup>2</sup> In fulfillment of this condition, RRVW attaches a letter from the State Historical Society of North Dakota, dated June 26, 2007.

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<sup>1</sup> As noted in RRVW's January 11, 2007, filing, certain Board documents in this proceeding contain a typographical error in which milepost 1.4 is referred to as milepost 21.4. All Board documents in this proceeding correctly refer to the Rail Line's total number of miles, 27.76.

<sup>2</sup> See Abandonment Decision; January 11, 2007, Letter filed by RRVW in this proceeding.

WEINER BRODSKY SIDMAN KIDER PC

Hon. Vernon A. Williams

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July 16, 2007

Enclosed for filing in this proceeding are 10 copies of this notice of consummation. Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rose-Michele Nardi", written in a cursive style.

Rose-Michele Nardi

Enclosures

cc: North Dakota Public Service Commission, 600 E. Boulevard, Dept. 408, Bismarck, ND 58505-0480 (by first-class mail)

Susan Quinnell, State Historical Society of North Dakota, North Dakota Heritage Center, 612 East Boulevard Avenue, Bismarck, ND 58505-0830 (by first-class mail)



**STATE  
HISTORICAL  
SOCIETY  
OF NORTH DAKOTA**

JUN 29 2007

John Hoeven  
Governor of North Dakota

June 26, 2007

North Dakota  
State Historical Board

Marvin L. Kaiser  
Williston - President

Albert I. Berger  
Grand Forks - Vice President

Chester E. Nelson, Jr.  
Bismarck - Secretary

Gerold Gemtholz  
Valley City

A. Ruric Todd III  
Jamestown

Diane K. Larson  
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John E. Von Rueden  
Bismarck

Sara Otte Coleman  
Director  
Tourism Division

Kelly Schmidt  
State Treasurer

Alvin A. Jaeger  
Secretary of State

Douglass Prchal  
Director  
Parks and Recreation  
Department

Mr. Francis Ziegler  
Director  
Department of  
Transportation

Merlan E. Paaverud, Jr.  
Director

Mr. Daniel L. Zink  
Director of Administration  
Red River Valley and Western Railroad Company  
PO Box 608  
Wahpeton, ND 58074

**ND SHPO Ref.:04-1021 Red River Valley and Western Railroad Company  
Abandonment Exemption - Bowdon Line Abandonment, Docket No. AB-391  
(Sub-No. 10X) Foster and Wells County, North Dakota**

Dear Mr. Zink,

We reviewed ND SHPO Ref.:04-1021 Bowdon Line Abandonment, Docket No. AB-391 (Sub-No. 10X) Foster and Wells County, North Dakota, and we would concur with a "No Historic Properties Affected" determination, if requested to do so by the lead federal agency, provided the project is of the nature specified and takes place in the legal description listed and plotted in the correspondence, including Docket No. AB-391 (Sub-No. 10X) before the Surface Transportation Board. If any borrow fill material is required, the material should be derived from an approved source, that is, one surveyed by an archaeologist and found to contain no significant cultural resources.

Please include the ND SHPO Reference number listed above in further correspondence for this specific project. If you have any questions please contact Susan Quinnell at (701) 328-3576, or [squinnell@nd.gov](mailto:squinnell@nd.gov)

Sincerely,

Merlan E. Paaverud, Jr.  
State Historic Preservation Officer  
(North Dakota)

and  
Director, State Historical Society of North Dakota

Accredited by the  
American Association  
of Museums